

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. R2-2008-0028

RESCISSION OF TIME SCHEDULE ORDER NO. R2-2005-0057 AND CEASE AND DESIST ORDER NO. R2-2008-0006 FOR CONTRA COSTA COUNTY SANITATION DISTRICT NO. 5, CONTRA COSTA COUNTY

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board) finds that:

1. Contra Costa County Sanitation District No. 5 (hereinafter the Discharger) owns and operates a wastewater treatment plant, located at the end of Canyon Lake Drive, Port Costa. The plant provides secondary treatment of wastewater from domestic and, to a lesser extent, commercial sources within the community of Port Costa. The Discharger owns the sewer collection system, which consists of a few miles of terra-cotta pipe. The facility has a dry weather design capacity of 0.033 million gallons per day.
2. Treated, dechlorinated wastewater is discharged from Discharge Point 001 through a submerged outfall and diffuser to the Carquinez Strait, a water of the United States. The diffuser is located approximately 60 feet offshore, at a depth of about 17.5 feet below mean lower low water at 38° 02' 55" N. latitude, 122° 10' 56" W. longitude.
3. On January 30, 2008, the Regional Water Board reissued National Pollutant Discharge Elimination System (NPDES) Permit CA0037885 (Order No. R2-2008-0005).
4. To address non-compliance or threatened non-compliance with the requirements of the NPDES permit, the Regional Water Board issued a time schedule order (Order No. R2-2005-0057) and cease and desist order (Order No. R2-2008-0006).

Time Schedule Order

5. From January 2001 to June 2003, the Discharger violated its effluent limits 23 times, for which the Regional Water Board issued Mandatory Minimum Penalty Complaint No. R2-2003-0100.
6. The Discharger proposed to implement a compliance project in lieu of Mandatory Minimum Penalty fees. The compliance project involved upgrading its treatment plant to ensure future compliance. The Discharger submitted a letter on August 9, 2005, that identified 11 proposed upgrades and repairs to improve effluent quality.
7. To ensure that the Discharger would complete the upgrades and repairs in a timely manner, the Regional Water Board issued Time Schedule Order R2-2005-0057 on October 19, 2005, to mandate the completion of the compliance project.

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8. On January 16, 2008, the Discharger submitted a letter to Regional Water Board staff detailing the completion of all tasks in the Time Schedule Order as required by the Order, as well as the acceptance of the completed work by the Contra Costa County Board of Supervisors. The letter formally requested the rescission of the Time Schedule Order.
9. Because the compliance project is complete and the Time Schedule Order is no longer necessary, Order No. R2-2005-0057 can be rescinded.

Cease and Desist Order

10. On January 30, 2008, the Regional Water Board reissued NPDES Permit No. CA0037885 (Order No. R2-2008-0005). The Order included effluent limitations for mercury with which the Discharger could not immediately comply.
11. Because it was infeasible for the Discharger to immediately comply with the mercury effluent limits, the Regional Water Board adopted Cease and Desist Order No. R2-2008-0006 on January 30, 2008, to require the Discharger to implement actions to achieve compliance.
12. On November 1, 2007, the Regional Water Board adopted NPDES No. CA 0038849 through Order No. R2-2007-0077 (*Watershed Permit for Municipal and Industrial Wastewater Discharges of Mercury to San Francisco Bay*). That Order implements the San Francisco Bay Mercury Total Maximum Daily Load wasteload allocations for municipal and industrial wastewater discharges to San Francisco Bay and its contiguous bay segments.
13. On February 25, 2008, the United States Environmental Protection Agency approved the mercury TMDL and Order No. R2-2007-0077 became effective on March 1, 2008. It now supersedes all mercury-related requirements in other NPDES permits covering wastewater discharges to San Francisco Bay.
14. Because the mercury requirements of Order No. R2-2008-0005 have been superseded, the Cease and Desist Order is no longer necessary and Order No. R2-2008-0006 can be rescinded.

Public Notice

15. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to rescind the Time Schedule Order and the Cease and Desist Order, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
16. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of the Time Schedule Order and the Cease and Desist Order.

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IT IS HEREBY ORDERED, pursuant to the provisions of Division 7 of the California Water Code, regulations, and plans and policies adopted thereunder, that Order Nos. R2-2005-0057 and R2-2008-0006 are rescinded effective May 14, 2008.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, and true and correct copy of an Order adopted by the California Regional Board Quality Control Board, San Francisco Region, on May 14, 2008.

Bruce H. Wolfe, Executive Officer